UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re: **CASE NO: 8:16-bk-01779-CPM**
CHAPTER 7

CHAD E HALL, AND STACY A HALL

Debtor
______________________________/

WELLS FARGO BANK, NA'S
MOTION FOR RELIEF FROM THE AUTOMATIC STAY
(Re: 2504 Creekview LN, White Hall, AR 71602-9116)

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Pursuant to Local Rule 2002-4, the Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files a response within 21 days from the date set forth on the proof of service attached to this paper plus an additional three days for service. If you object to the relief requested in this paper, you must file your objection with the Clerk of the Court at 801 N. Florida Avenue, Suite 555, Tampa, FL 33602-3899, and serve a copy on the movant's attorney, Shaina Druker, Esq., at Brock & Scott, PLLC, P.O. Box 25018 Tampa, FL 33622, and any other appropriate persons within the time allowed.

If you file and serve a response within the time permitted, the Court may schedule and notify you of a hearing, or the Court may consider the response and may grant or deny the relief requested without a hearing. If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

Wells Fargo Bank, NA ("Secured Creditor"), by and through its undersigned counsel, files this *Motion for Relief from the Automatic Stay*, and in support thereof states as follows:

1. The Court has jurisdiction over this matter pursuant to 11 U.S.C. § 362, Fed. R. Bankr. P. 4001(a) and the various other applicable provisions of the United States Bankruptcy Code, Federal Rules of Bankruptcy Procedure and the laws of the United States of America.

2. The Debtor filed a voluntary petition pursuant to Chapter 7 of the Bankruptcy Code on March 1, 2016.

3. Secured Creditor holds a security interest in the Debtor's real property located at 2504 Creekview LN, White Hall, AR 71602-9116 (the "Property"), by virtue of a Mortgage which is recorded on Book 1301, Pages 188-195 on the Public Records of Jefferson County, Arkansas (the "Mortgage"). The Mortgage secures a Note in the amount of $111,935.00 (the "Note"). A copy of the Mortgage, together with the Note and Assignments, as applicable, is attached hereto as **Exhibit A.**

4. The Mortgage gives Secured Creditor a lien on the Property, which is legally described as:

Lot Two (2) of Whippoorwill Creek Subdivision, said lot being part of Lots Eighteen (18) and Nineteen (19) of Whippoorwill Acres Subdivision No One (1), same being located in the Northwest Quarter (NW ¼) of Section 31, Township 4 South, Range 10 West 5th P M

5. The Property has not been claimed exempt by the Debtor. Moreover, according to the *Chapter 7 Individual Debtor's Statement of Intention*, the Debtor is surrendering the Property. See *Declaration as to Surrendered Property* attached hereto as **Exhibit B**.

6. The Debtor is indebted to Secured Creditor as of April 28, 2016 in the amount of $105,782.16 principal balance, plus other fees and costs advanced by Secured Creditor pursuant to the loan documents. Payments pursuant to the Mortgage have been in default since April 1, 2015.

7. According to the Debtor's Schedule A, the value of the Property is $100,000.00. Therefore, there is little or no equity in the Property for the benefit of unsecured creditors of the estate.

8. Secured Creditor's interest in the Property is being significantly jeopardized by

the Debtor's failure to make regular mortgage payments while Secured Creditor is prohibited from pursuing its lawful remedies to protect such interest. Thus, the Debtor has failed to adequately protect the interest of Secured Creditor.

9. In addition, because this is a Chapter 7 case, the Property is not necessary to an effective reorganization.

10. Therefore, Secured Creditor maintains that cause exists pursuant to 11 U.S.C. § 362(d)(1) and/or § 362(d)(2) for the automatic stay to be lifted.

11. Pursuant to 11 U.S.C. § 362(e), Secured Creditor requests that, in the event a hearing is necessary, said hearing be held within thirty (30) days.

12. Secured Creditor requests that any communication by Secured Creditor in connection with proceeding against the Property including, but not limited to, notices required by state law and communications to offer and provide information with regard to a potential forbearance agreement, loan modification, refinance agreement, loss mitigation agreement or other loan workout, may be sent directly to the Debtor.

13. Because Debtor has indicated an intention to surrender the Property, Secured Creditor requests that the Court waive the fourteen (14) day stay set forth in Bankruptcy Rule 4001(a)(3), so that Secured Creditor can pursue its *in rem* remedies without further delay.

WHEREFORE, Secured Creditor respectfully requests that the automatic stay be lifted so that Secured Creditor may be permitted to protect its security interest in the Property outside the bankruptcy forum; that in the event a hearing is necessary, said hearing be held within thirty (30) days; that Secured Creditor be permitted to contact the Debtor for the reasons stated; that the fourteen (14) day stay set forth in Bankruptcy Rule 4001(a)(3) be waived; and such other and further relief as the Court may deem just and proper.

I HEREBY CERTIFY that a true copy hereof has been served electronically or via U.S. mail, first-class postage prepaid, to: Stacy A Hall, 500 N. Jefferson Ave Unit G6, Sarasota, FL 34237 and Chad E Hall, 500 N. Jefferson Ave Unit G6, Sarasota, FL 34237; Barbara C. Pennington, 2504 Creekview Ln White Hall, Arkansas 71602, Laurie L Blanton, Esq., Fitzhugh & Blanton, P.A., 1041 US 41 Bypass S, Venice, FL 34285, Beth Ann Scharrer, Trustee, PO Box 4550, Seminole, FL 33775-4550; United States Trustee, 501 E Polk Street, Tampa, FL 33602, on May 6, 2016.

BROCK & SCOTT, PLLC
Attorney for Secured Creditor
PO. Box 25018
Tampa, FL 33622
Phone: (813) 251-4766 Ext: 4740
Fax: (954) 618-6954
Floridabklegal@Brockandscott.com

/s/ Shaina Druker
____
SHAINA DRUKER, ESQUIRE
Florida Bar No. 0100213